October 2007

Municipal Drinking Water Licensing Program Roles and Responsibilities

Introduction

Part Two of the Report from the Walkerton Inquiry recommended a new approvals framework for municipal drinking water systems and that the framework incorporate the concepts of quality management to enhance the protection of drinking water. In response, the Ministry of the Environment has developed the Municipal Drinking Water Licensing Program under the Safe Drinking Water Act, 2002 (SDWA).

Various parties are involved in the implementation of the Licensing Program, including owners, operating authorities, the ministry, an accreditation body and auditors. This fact sheet provides a general overview of the roles and responsibilities of each party and briefly summarizes how the program relates to the statutory standard of care imposed by section 19 of the SDWA.

Roles and Responsibilities

Section 44 of the SDWA lists six components that will be required to be in place before the Director issues a drinking water licence:

1. a drinking water works permit for the system
2. operational plans for the system that satisfy the requirements of the Director's Directions
3. proof that the system will be operated by an accredited operating authority
4. proof that the financial plans for the system if required, satisfy the requirements under the SDWA
5. proof that a permit to take water has been issued for the system, and
6. the Director is satisfied that the system will be operated in accordance with the requirements of the SDWA and the conditions to be imposed by the licence.

Specific timelines have been set for several of the six components; however the Director will require all components to be in place before a licence is issued to owners. The Licensing of Municipal Drinking-Water Systems Regulation, O. Reg. 188/07 (Licensing Regulation) prescribes the dates for owners of municipal residential drinking water systems to submit the following to the ministry:

- an operational plan for acceptance by the Director
- an application for a drinking water works permit, and
- an application for a licence.

The Licensing Regulation also sets the date that an accredited operating authority must be in charge of a system.

The following table provides a general overview of how some of the roles and responsibilities are distributed among the parties involved in the Licensing Program.

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ROLE	RESPONSIBILITIES
Owner	• Ensure compliance with the SDWA • As required by the SDWA, the Director's Directions and Licensing Regulation: 1. Endorse and submit an operational plan to the ministry 2. Submit applications for a licence and drinking water works permit to the ministry 3. Ensure the municipal residential drinking water system is operated by an accredited operating authority • As required by the Financial Plans Regulation (O. Reg. 453/07) 1. Develop and approve a financial plan and give a copy to the Ministry of Municipal Affairs and Housing
Operating Authority	• In consultation with the owner, develop and implement a quality management system (QMS) that conforms to the DWQMS • Obtain owner's endorsement of the operational plan • Submit an application and the endorsed operational plan to the accreditation body for the purpose of obtaining accreditation • Ensure compliance with the SDWA
Auditor	• Audit the QMS including the operational plan to asses the conformance with the DWQMS requirements • Make a recommendation to the accreditation body regarding accreditation based on the results of the audit
Accreditation Body	• Retain and train auditors • Review applications for the accreditation of operating authorities • Accredit the operating authority after consideration of the auditor's recommendations
Ministry of the Environment	• Review operational plans and if appropriate, accept operational plans • Review applications for drinking water works permits and licences and if appropriate, issue permits and licences.

The Municipal Drinking Water Licensing Program and the Standard of Care

Section 19 of the SDWA imposes a statutory standard of care on persons who oversee municipal drinking water systems. Part of the Licensing Program requirements will assist in this regard by requiring that system owners undertake financial planning and implement a quality management system. An example of how the licensing program assists is through the proper development and implementation of an operational plan documenting a quality management system. Such a plan would be required to include:

- a policy that will commit the owner and operator of the drinking water system or systems to providing safe drinking water and to complying with applicable legislation and regulations
- key information about every residential drinking water system owned by a municipality
- a process for risk assessment that is required to be completed and/or reviewed at least once every 36 months
- a description of organizational structures including roles, responsibilities and authorities for both the owner and operating authority
- a procedure for an annual review of the adequacy of the infrastructure needed to operate and maintain the drinking water system and a commitment for the operating authority to communicate the findings of the review to the owner
- a procedure for sharing sampling, testing and monitoring reports between the owner and operating authority about the safety of your municipality's drinking water
- an outline of responsibilities of the owner and the operating authority of the drinking water system during emergency situations
- a commitment to continual improvement through corrective actions
- a procedure for conducting a management review at least once every 12 months that evaluates the continuing suitability, adequacy and effectiveness of the QMS and to report the results of this review, including identified deficiencies, decisions and action items.

The information contained here is intended to give general information only and must be read in conjunction with the legislation and regulations that outline specific requirements and procedures. If you have any legal questions about the program or interpretation of the legislation or regulation, you should consult a lawyer.

The Director's Direction: Minimum Requirement for Operational Plans, the Accreditation Protocol: Operating Authorities – Municipal Drinking-Water Systems, the Drinking Water Quality Management Standard and general information on the Municipal Drinking Water Licensing Program can be found on the Drinking Water Ontario portal at www.ontario.ca/drinkingwater or call the Licensing Program Information Centre at 1-877-955-5455 (Toronto area 416-314-1651). Copies of the Safe Drinking Water Act, 2002, and the regulations and other instruments made under that Act can be found at www.e-laws.gov.on.ca or call the ministry's Public Information Centre at 1-800-565-4923.